

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

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IN RE: YASMIN AND YAZ	)	
(DROSPIRENONE) MARKETING, SALES	)	3:09-md-02100-DRH-PMF
PRACTICES AND PRODUCTS LIABILITY	)	
LITIGATION	)	MDL No. 2100

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**This Document Relates to:**

*Angel Ferrell, et al. v. Bayer HealthCare Pharmaceuticals, Inc., et al.*<sup>1</sup> No. 3:10-cv-13178-DRH-PMF

*Rebecca Franco, et al. v. Bayer HealthCare Pharmaceuticals, Inc., et al.*<sup>2</sup> No. 3:10-cv-13240-DRH-PMF

*Anna Garcia, et al. v. Bayer HealthCare Pharmaceuticals, Inc., et al.*<sup>3</sup> No. 3:10-cv-13244-DRH-PMF

*Whitney Ingram, et al. v. Bayer HealthCare Pharmaceuticals, Inc., et al.*<sup>4</sup> No. 3:11-cv-10652-DRH-PMF

*Debbie Knight, et al. v. Bayer Corp., et al.*<sup>5</sup> No. 3:10-cv-12903-DRH-PMF

*Kristy Lee, et al. v. Bayer HealthCare Pharmaceuticals, Inc., et al.*<sup>6</sup> No. 3:10-cv-13248-DRH-PMF

*Angelica Lopez, et al. v. Bayer Corp., et al.*<sup>7</sup> No. 3:10-cv-12941-DRH-PMF

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<sup>1</sup> This motion applies only to plaintiff Elizabeth Muldoon.

<sup>2</sup> This motion applies only to plaintiff Elizabeth Luginbyhl.

<sup>3</sup> This motion applies only to plaintiff Anna Garcia.

<sup>4</sup> This motion applies only to plaintiff Whitney Ingram.

<sup>5</sup> This motion applies only to plaintiff San Juana Elizabeth Martinez Rodriguez.

<sup>6</sup> This motion applies only to plaintiff Anna Mauldin.

<sup>7</sup> This motion applies only to plaintiffs Kristi Hammett Amador and Angelica Lopez.

*Melanie Lowrey, et al. v. Bayer Corp., et al.*<sup>8</sup> No. 3:10-cv-12269-DRH-PMF

*Kristin Saenz, et al. v. Bayer Corp., et al.*<sup>9</sup> No. 3:10-cv-12977-DRH-PMF

*Michelle Simpkins, et al. v. Bayer HealthCare Pharmaceuticals, Inc., et al.*<sup>10</sup> No. 3:10-cv-13242-DRH-PMF

*Atara Stewart, et al. v. Bayer HealthCare Pharmaceuticals, Inc., et al.*<sup>11</sup> No. 3:10-cv-13243-DRH-PMF

*Liz Westbrook, et al. v. Bayer HealthCare Pharmaceuticals, Inc., et al.*<sup>12</sup> No. 3:10-cv-13247-DRH-PMF

### **ORDER DISMISSING WITH PREJUDICE**

#### **HERNDON, Chief Judge:**

This matter is before the Court on the defendant Bayer HealthCare Pharmaceuticals Inc.'s motion, pursuant to Case Management Order 12 ("CMO 12"), for an order dismissing the plaintiffs' claims, in the above-captioned matters, with prejudice for failure to comply with Plaintiff Fact Sheet ("PFS") obligations.

On March 13, 2012, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the above captioned matters without prejudice for failure to comply with PFS obligations. The Court granted the motion on May 31, 2012.

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<sup>8</sup> This motion applies only to plaintiff Danielle Smith.

<sup>9</sup> This motion applies only to plaintiffs Ashley Ruby and Kristin Saenz.

<sup>10</sup> This motion applies only to plaintiff Candyce Roberts.

<sup>11</sup> This motion applies only to plaintiff Dalynn Dowling.

<sup>12</sup> This motion applies only to plaintiff Autumn Weatherspoon.

In the order dismissing the above captioned actions, the Court warned the plaintiffs that, “pursuant to CMO 12 Section E, **unless plaintiffs serve defendants with a COMPLETED PFS or move to vacate the dismissal without prejudice within 60 days after entry of this Order, the Order will be converted to a Dismissal With Prejudice upon defendants’ motion.**”

On March 28, 2013, approximately ten months after the entry of the order of dismissal without prejudice, Bayer HealthCare Pharmaceuticals Inc. filed the subject motion stating the plaintiffs are still not in compliance with their PFS obligations and asking the Court to convert the dismissals to dismissals with prejudice pursuant to Section E of CMO 12,

To date, none of the above captioned plaintiffs have taken any steps to cure their PFS deficiencies, to address the without prejudice dismissal, or to reply to the motion for dismissal with prejudice. The plaintiffs have had ample time to cure the any PFS deficiencies and avoid a with prejudice dismissal.

Having considered the motion and the relevant provisions of CMO 12 the Court **ORDERS** as follows:

The plaintiffs in the above captioned actions have failed to comply with their obligations pursuant to CMO 12 and more than 60 days have passed since the entry of the order of dismissal without prejudice for failure to comply with

CMO 12. Accordingly, pursuant to Section E of CMO 12, **the plaintiffs' complaints are hereby dismissed WITH prejudice.**

**Further**, the Court **DIRECTS** the Clerk of the Court to enter judgment at the close of the case.

**SO ORDERED:**

 Digitally signed by  
David R. Herndon  
Date: 2013.06.13  
16:21:14 -05'00'

**Chief Judge**  
**United States District Court**

**Date: June 13, 2013**